

Issues, concerns and objections to HB 61

76-13-201. Duty of owner to protect against fire. (1) An owner of land classified as forest land by the department shall protect against the starting or existence and suppress the spread of fire on that land. This protection and suppression must be in conformity with reasonable rules and standards for adequate fire protection adopted by the department.

(2) If the owner does not provide for the protection and suppression, the department may provide it at a cost to the landowner of not more than \$30 for each landowner in the protection district and of not more than an additional 20 cents per acre per year for each acre in excess of 20 acres owned by each landowner in each protection district, as necessary to yield the amount of money provided for in 76-13-207. The owner of the land shall pay the charge approved by the department in accordance with part 1 and this part to the department of revenue. Payments to the department of revenue are due on or before November 30 of each year.

76-13-202. Means by which department may provide protection. The department may provide for forest fire protection of any forest lands through the department or by contract or any other feasible means, in cooperation with any federal, state, or other recognized agency.

76-13-206. What constitutes compliance with duty to protect against fire for landowners within district. An owner of forest lands within an organized forest fire protection district while a member of or while participating in a recognized agency for forest protection or within areas protected by a county shall be considered to have fully complied with the requirements of 76-13-201.

Residents of an organized Fire District should not have to pay assessments because they already meet the requirements under 76-13-206.

- Assessment costs on taxpayers apply to forested zone only but many areas benefit.
- Some areas within forested property don't pay assessments while some in open areas.
 - See map
- Classified forest land maps are inaccurate and have not been updated for years

Much of the State is benefited by the resources purchased by those providing Direct Protection funding.

Wildland fires are not restricted to forested areas of the State of Montana why do only those living in forested areas pay the assessments?

Property owners who provide for fire protection through their own fire department cannot get out of the duplication of taxes.

76-13-204. Creation, annexation of land into, and dissolution of forest fire protection districts. (1) In accordance with the provisions of subsections (2) and (3), the department may create, annex land to, or dissolve forest fire protection districts.

(2) Before a district is created, land is annexed into a district, or a district is dissolved, the department shall hold a hearing in any county in which land affected by the proposed change is located.

(a) The department shall give notice at least 20 days in advance of the hearing to all property owners to be affected by the proposed change. Service of the notice may be made by certified mail to each affected property owner or by publication of the notice in a newspaper published or generally circulated in the county in which the hearing is to be held.

(b) The department shall consider the arguments made for and against the proposed change in making a determination under this section.

(3) (a) A forest fire protection district may not be created or dissolved unless approved in writing by a vote of not less than 51% of the owners representing at least 51% of the acreage to be involved in the affected forest fire protection district.

(b) Land may not be annexed into a district unless approved by 51% of the owners representing at least 51% of the acreage to be annexed.

(4) Land annexed into a district may not be removed from that district unless that district is dissolved.

Residents annexed into a forest fire protection district should be afforded the opportunity to get out of the forest fire protection district in the same manner, 51% owners and 51% land.

Recommended amendment:

Add subpart (5)

Owners of 51% of the acreage representing 51% of the owners, who live within a Rural Fire District, may petition to detract the entire area within the rural fire district from a forest fire protection district.